

Working Correspondence with Thomson Electronic Publishing and MDC and, Subsequently CBC (1993-1995)

Memorandum to Sonny Reisz 4/16/1993 (MDC)

MEMORANDUM

TO: Sonny Reisz

FROM: Peter Martin

SUBJECT: Initial Documents

DATE: 4/16/1993

=====

As we discussed yesterday I am sending you a disk with files identifying Social Security decisions in two MDC databases, numbers 2655 and 2632 (Court of Appeals decisions 1940©1944 and 1945©1959, respectively). This a small population of decisions and stable so it should provide a good test for all of us, allowing us to be sure all systems are working smoothly.

The disk has three files:

2655.MDC -- 4 decisions

2632A.MDC -- 16 decisions (those in the DB with 1xx F.2d cites)

2632B.MDC -- 42 decisions (those in the DB with 2xx F.2d cites)

The files are straight ascii. Each case record is begun with a start line ">Case #". Following that line are four fields set off with CR/LF: in order they are the full thumbprint string, the new document identifier string, case name, and citation. These early decisions do not have lexis cites. When we move into decisions that do have lexis cites, I can either add a fifth field that includes it or place it in the fourth field together with or instead of the F.2d or F.Supp. cite. (A future issue.)

As you know these files are reports generated from a database and can include special characters to delimit particular fields. (When we were coding cases the codes were wrapped in @'s.)

Please let me know if your process would be aided by some alteration in the format for these document lists.

In addition to these individually identified cases, I thought I might as well give you the searches that will identify the C.F.R. material and the USCS material so that those items, which don't require item by item selection, can be downloaded and shipped as soon as possible. They are set out on the attached sheet.

I. Act

From Title 42 USCS

A. 42 USCS 401©433 Â,
(Title II.
Federal Old^aAge, Survivors,
and Disability
Insurance
Benefits)

B. 42 USCS 1381©1385Â,
(Title XVI.
Supplemental
Security Income
for the Aged,
Blind, or
Disabled

LEXIS search of PUBHW\CFR and document counts

A. Your search request is:

HEADING(SOCIAL SECURITY ACT AND TITLE II)

Number of SECTIONS found with your search request through:
LEVEL 1... 40

B. Your search request is:

HEADING(SOCIAL SECURITY ACT AND TITLE XVI)

Number of SECTIONS found with your search request through:
LEVEL 1... 35

II. Regulations

From Title 20 of the Code of Federal Regulations (Revised as of April 1, 1992)

A. Part 401 , Disclosure of official records and information

B. Part 404Â,

,
Federal old©age, survivors and disability insurance

C. Part 416 Supplemental security income for the aged, blind, and disabled

D. Part 422Â,

,
Organization and Procedures

LEXIS search of PUBHW\USCS and document counts

A. Your search request is:

PART(PART 401) AND TITLE(20)

Number of SECTIONS found with your search request through:

LEVEL 1... 31

B. Your search request is:

PART(PART 404) AND TITLE(20)

Number of SECTIONS found with your search request through:

LEVEL 1... 776

C. Your search request is:

PART(PART 416) AND TITLE(20)

Number of SECTIONS found with your search request through:

LEVEL 1... 562

D. Your search request is:

PART(PART 422) AND TITLE(20)

Number of SECTIONS found with your search request through:

LEVEL 1... 52

Memorandum to Eimear Auston and John DeFeo - 5/6/1993

TO: Ms. Eimear Auston - Beagan's

Mr. John DeFeo - Thomson

FROM: Peter W. Martin

SUBJECT: Treatise, FOLIO 3.0 Version

DATE: May 6

=====

The enclosed disk carries my first cut at using FOLIO 3.0 on the Social Security treatise material. The infobase includes all of volume 1 and enough of volume 2 (the first part) to provide a representative sample. As a precaution I've include not only the infobase file but the flat file and definitions file from which it was compiled so that if you are working from a different and partially incompatible version of 3.0 you can create the infobase from it.

Please note the following:

The infobase implements the "levels" feature of 3.0 so that the self©generating table of contents works and searches can be run at the section level (more than one record).

I have retained the grouping of each section head in a "cite" group that allows the display of a table of contents like list of headings when the query links contained in the Related Treatise Sections are fired. Each heading has a jump link to the section allowing the user to select from the list and expand the treatise to full text at that point. This functionality is what I envision when links from the

treatise carry the user to multiple cases and multiple sections or subsections in the Act or Regulations.

I have experimented in the volume 2 sections with using popup windows to hold the links to references. My first impression is favorable.

I have made no use of fields, but have contemplated placing the section number in a field as an alternative approach to the "cite" group technique noted above, as well as fields to hold the list of states when an acquiescence ruling in effect provides for special treatment in particular states and to hold a date of last revision for each section.

The links to Act, Regulations, and Cases have not been modified from their FOLIO 2.x form. You should not infer any ideas about the FOLIO 3.0 structure of those materials from them.

Memorandum to Sonny Reisz 5/19/1993 (MDC)

MEMORANDUM

TO: Sonny Reisz

FROM: Peter Martin

SUBJECT: More Cases

DATE: 5/19/1993

The enclosed disk has files identifying Social Security decisions in three MDC databases, numbers 2631, 2630 and 2622 (Court of Appeals decisions 1960©1979). More will follow in quick succession.

The disk has three files:

2631.MDC - 424 decisions

2630.MDC - 248 decisions

2622.MDC - 223 decisions

The files are straight ascii. Each case record is begun with a start line ">Case #". Following that line are four fields set off with CR/LF: in order they are the full thumbprint string, the new document identifier string, case name, and citation. This is the same format as I sent you with the first batch; I assume it works.

Memorandum to Sonny Reisz 5/20/1993 (MDC)

MEMORANDUM

TO: Sonny Reisz

FROM: Peter Martin

SUBJECT: More Cases

DATE: 5/20/1993

=====

The enclosed disk has files identifying Social Security decisions in five more MDC U.S. Court of Appeals databases, numbers 2629, 2646, 2624, 2637 and 2652 (Court of Appeals decisions 1980©1992). It also has a file covering several Supreme Court databases.

The files and decision count for each are:

2629.MDC -- 213 decisions

2646.MDC -- 479 decisions

2624.MDC -- 418 decisions

2637.MDC -- 724 decisions

2652.MDC -- 235 decisions

supct.MDC -- 47 decisions

The files are straight ascii. Each case record is begun with a start line ">Case #". Following that line are four fields set off with CR/LF: in order they are the full thumbprint string, the new document identifier string, case name, and citation. This is

the same format as I sent you with the first batch; I assume it works.

The list for each of the MDC databases represents reports from more than one of my databases so that within any file the >Case # line will include more than one run, e.g. >Case 1 to >Case 408, followed by another >Case 1 to >Case 10. The counts listed above represent a cumulative count.

In the understanding that the second of the new document identifier string is the important one for you, I have not worried about occasional truncation of the first "thumbprint string" line. This batch includes some of that.

From 2637 on the decisions include LEXIS cites. I have included them on the last line of each record set off from the F.2d cite with a " - ".

The next request will turn to District Court decisions. You will note that I have left the most recent Court of Appeals decisions off this list. My plan is to save the most recent of everything to the very end.

Memorandum to Sonny Reisz 5/27/1993 (MDC)

MEMORANDUM

TO: Sonny Reisz

FROM: Peter Martin

SUBJECT: More Cases

DATE: 5/27/1993

=====

The enclosed disk has files identifying Social Security decisions in twelve MDC U.S. District Court databases, numbers 2650, 2657, 2633, 2634, 2635, 2626, 2625, 2638, 4040, 4039, 4038, and 4037 (District Court decisions up through 1988).

The files and decision count for each are:

2650.MDC -- 1 decision

2657.MDC -- 7 decisions

2633.MDC -- 12 decisions

2634.MDC -- 369 decisions

2635.MDC -- 432 decisions

2626.MDC -- 372 decisions

2625.MDC -- 344 decisions

2638.MDC -- 1070 decisions

4040.MDC -- 610 decisions

4039.MDC -- 241 decisions

4038.MDC -- 279 decisions

4037.MDC -- 428 decisions

The files are straight ascii. Each case record is begun with a start line ">Case #". Following that line are four fields set off with CR/LF: in order they are the full thumbprint string, the new document identifier string, case name, and citation. This is the same format as I sent you with the first batch; I assume it works.

The list for at least one of these MDC databases represents reports from more than one of my databases so that within any file the >Case # line will include more than one run, e.g. >Case 1 to >Case 563, followed by another >Case 1 to >Case 31. The counts listed above represent a cumulative count.

In 2638 on the decisions include LEXIS cites. I have included them on the last line of each record set off from the F. Supp. cite (where there is one) with a " - ". Where there is only a LEXIS cite the line begins with " - " followed by the LEXIS cite.

Memorandum to Sonny Reisz 6/3/1993 (MDC)

MEMORANDUM

TO: Sonny Reisz

FROM: Peter Martin

SUBJECT: More Cases and Rulings

DATE: 6/3/1993

=====

The enclosed disk has files identifying Social Security decisions in three MDC U.S. District Court databases, numbers 2656, 4036, and 2603 (District Court decisions up through 1992).

The files and decision count for each are:

2656.MDC -- 860 decisions

4036.MDC -- 972 decisions

2603.MDC -- 20 decisions

Same format as those before.

The list for at least one of these MDC databases represents reports from more than one of my databases so that within any file the >Case # line will include more than one run, e.g. >Case 1 to >Case 563, followed by another >Case 1 to >Case 31. The counts listed above represent a cumulative count.

These decisions include LEXIS cites. I have included them on the last line of each record set off from the F. Supp. cite (where there is one) with a " - ". Where there is only a LEXIS cite the line begins with " - " followed by the LEXIS cite.

=====

As I told you I shall hold the 1993 decisions until the last. Which brings us to the Social Security Rulings. As of this afternoon the SSRUL file had 1185 documents. I need better than half of them so if the simplest way for you to pull those I want is to ship the whole lot and then let us sort through the bundle that is fine with me. Alternatively you can ship those that are pulled by the search:

#MSOC# or cite(1990 or 1991 or 1992 or 1993)

That gets 666 by my count. [Date field seems not to be working for those in the 90's.]

Memorandum to Sonny Reisz 6/3/1993 (MDC)

MEMORANDUM

TO: Sonny Reisz

FROM: Peter Martin

SUBJECT: More Cases and Rulings

DATE: 6/3/1993

=====

The enclosed disk has files identifying Social Security decisions in three MDC U.S. District Court databases, numbers 2656, 4036, and 2603 (District Court decisions up through 1992).

The files and decision count for each are:

2656.MDC -- 860 decisions

4036.MDC -- 972 decisions

2603.MDC -- 20 decisions

Same format as those before.

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These decisions include LEXIS cites. I have included them on the last line of each record set off from the F. Supp. cite (where there is one) with a " - ". Where there is only a LEXIS cite the line begins with " - " followed by the LEXIS cite.

=====

As I told you I shall hold the 1993 decisions until the last. Which brings us to the Social Security Rulings. As of this afternoon the SSRUL file had 1185 documents. I need better than half of them so if the simplest way for you to pull those I want is to ship the whole lot and then let us sort through the bundle that is fine with me. Alternatively you can ship those that are pulled by the search:

#MSOC# or cite(1990 or 1991 or 1992 or 1993)

That gets 666 by my count. [Date field seems not to be working for those in the 90's.]

Draft Table of Contents 7/22/1993

MARTIN ON SOCIAL SECURITY^f

Table of Contents

Treatise in two volumes

(see attached table of contents from LEXIS version)

The only Social Security research tool with a fully integrated set of references, issue by issue, to the Act, Regulations, cases, rulings, POMS, A.L.R. Annotations, and journal articles. In the case of the Act, Regulations, cases and rulings these references can be followed instantly to the primary material

Act

42 USCS 401-433; 42 USCS 1381-1385

Regulations

Title 20 of the Code of Federal Regulations, Parts 401, 404, 416, 422

Cases

All reported federal court decisions involving OASDI benefits, SSI disability claims, and related attorneys

fee issues, plus all unreported decisions available on LEXIS since 1987 (approximately 10,000 in total)

Rulings

All important Social Security Rulings still in effect (including all outstanding acquiescence rulings) (over 600 in total)

HALLEX

The Hearings, Appeals and Litigation Law Manual of the Social Security Administration

Dictionary of Occupational Titles

A publication of the Department of Labor, frequently referred to in vocational expert testimony on Social Security disability cases [inclusion on initial disk is still an open question]

Letter to Patty Hagstrom 7/28/ 1993 (TPP)

July 28, 1993

Ms. Patty Hagstrom

Electronic Publishing

Thomson Professional Publishing

Product Technology Services

1 Publishers Parkway

Webster, New York 14580

Dear Ms. Hagstrom:

Here is a sample Views 3.0 infobase that represents my current notions about how to set up a statute (or regulation). It doesn't translation directly to the provisions of the Social Security Act because nearly all the sections of 42 USCS that will be on the Social Security CD©ROM have deeper sections, i.e., the subsection and subsection levels carry headings and must be "levels", have address fields and jump destinations. But it does

I trust show how my thinking has progress sinced preparing the memorandum on infobase structure last March.

I spoke with John DeFeo about getting this to Beagan's and he reported that you are the contact. Would you please forward this to them with my eagerness to explain, discuss, react -- all with the aim of finding the best fit between my treatise and the primary law material which it harnesses.

Sincerely,

Peter W. Martin

Letterhead

Letter to Patty Hagstrom 8/9/ 1993 (TPP)

August 9, 1993

Ms. Patty Hagstrom

Electronic Publishing

Thomson Professional Publishing

Product Technology Services

1 Publishers Parkway

Webster, New York 14580

Dear Ms. Hagstrom:

Here is a sample Views 3.0 infobase with accompanying flat file and definition file designed to assist in the process of writing the specification for conversion of the act (and regulation) from MDC's format to an SGML markup that can be used in the Views 3.0 build.

Let me draw attention to several features of the sample (which I should point out was created out of an old version of the statute and so does not conform in all details to what you received from MDC).

The Social Security Act has deep hierarchical structure (50 plus years of amendments have been poured

into a relatively limited number of sections). As a consequence, it is necessary to apply level tags down to the subparagraph level at least. The "Top" level should be as noted for all of the Act. The "Act" level should contain the "TITLE" number and heading of which this material contains at least two "TITLE II" (401 - 433) and "TITLE XVI" (1381 et seq). The sections should be tagged "Section"; all lower case lettered subunits, "Subsection"; all arabic numeral designated paragraph subunits within a "Subsection", "Paragraph"; and all capital letter designated subunits of a "Paragraph", "Subparagraph".

All uniquely addressable units including those representing small units than "Subparagraph" should have a name tag (Jump Destination to FOLIO Views 3.0) that represents the full citation address of that unit. See the depth of the "JD" tags in 416(h) for full illustration. Note that not all instances of "(i)" are jump destinations. On those occasions where the text does not proceed in completely articulated hierarchical structure, but a sentence has an enumerated list the individual items are not treated as tagged destinations or levels

The headings for all sections and subsections are linked to themselves. This is important to the Views 3.0 functionality I want but can be derived subsequently from more general purpose SGML tags.

The section number is tagged so that it can be held in a Views 3.0 field. Same for subsection letters. [Since some sections are designated with a combination of numbers and letters, e.g., 1382h; both may need in the end to be text fields although I have in this sample set the section field up as an integer field.] This tagging is required to provide links to a list or range of sections or subsections.

All cross references within sections or between them should be tagged for hypertext links with the references converted into a complete address using the same naming scheme as used in naming the jump destinations. Note that references to another section are given full addresses down to the subsection level in the USCS editorial addition that is within square brackets. That address may not be a full address when the full text reference reads paragraph 3 of subsection (c). No such full reference is provided by USCS editorial additions when the cross reference is within the same section (see all the cross references with 416). While I have furnished examples of tags for cross reference links throughout this sample, I have not tagged any of the references to material outside this sample, e.g., references to other parts of 416 than I have included here or to other sections.ÆÐ Æ

Background

You indicated that you had never seen the March 1993 document I prepared for Defeo and Cater. I enclose a copy. It may help place this document in context. But please note that in any particular where this sample and document differs from that "first cut" it should be taken as superseding it for I have spent a great deal of time working on statutory material under Views 3.0 in the intervening four months.

Peter W. Martin

Memorandum to Sonny Reisz 9/3/1993 (MDC)

MEMORANDUM

TO: Sonny Reisz

FROM: Peter Martin

SUBJECT: The 1993 Cases to Date

DATE: 9/3/1993

The enclosed disk has files identifying Social Security decisions of the U.S. Districts Courts, U.S. Courts of Appeals, and Supreme Court up through last Sunday.

The files and decision count for each are:

93DIST.MDC -- 254 decisions

93CTAP.MDC -- 55 decisions

93SCT.MDC -- 1 decision

Same format as those before.

These decisions include LEXIS cites. I have included them on the last line of each record set off from the F. Supp. cite or F.2d cite (where there is one) with a " - ". Where there is only a LEXIS cite the line begins with " - " followed by the LEXIS cite.

Memorandum to Patty Hagstrom

MEMORANDUM

TO: Patty Hagstrom

FROM: Peter Martin

SUBJECT: Case Data

DATE: 10/13/1993

I have tried to get to the heart of the substantial failure to match the cases I requested of MDC with those received.

There are limits to my ability to double check on the Beagan's figures that derive from their apparent confusion over the MDC document ID system.

Here is a typical request record as submitted by Martin:

>Case 5

4036-0324/001/0000339/00082279/A38DE72B0A60000

1293/1990/00004446/0000

EVA BOYCE, Plaintiff, v. LOUIS SULLIVAN, M.D., Secretary of the
Department of Health and Human Services, Defendant

754 F. Supp. 126 - 1990 U.S. Dist. LEXIS 17478

For MDC's purposes (and mine) the unique document ID is furnished by the second string. It indicates that the document is in database number 1293, that it carries a 1990 date, and is number 00004446. I am not sure of the purpose of the trailing 0000; it may be a version number. The first string is the product of an older numbering system. Yet judging from the data element that Beagans has in the case data file on that case (see below) it is the document number in the first string that it has taken as the ID. The reason for all the apparent duplicates is that that number is not unique across this case population drawn from numerous databases. The reason for so many cases that appear to be a mismatch is that that first string number does not remain constant over time so that my database ask (being at a different time than the file retrieval) will not necessarily match on the first number when it does match on the second string.

\$00:0100082279:

\$10:EVA BOYCE Plaintiff v LOUIS SULLIVAN M D Secretary of the
Department of Health and Human Services Defendant

(I have scanned the duplicates file and find only a handful of
true duplicates, see attached list.)

I don't have a copy of any of the cases MDC has shipped in full
VISF format but here are the first data elements of another case
I happen to have from their database.

\$00:0100010070:9C42D971D1DEAA09:\$=C12901985000000210000\$03:\$=N110□0*30
\$=N1990*15

\$=N1290*53 \$=N1391*19\$10:PARK 'N FLY, INC. v. DOLLAR PARK AND
FLY, INC. \$20:No.

The unique identifying number for this Supreme Court decision is not the string "0100010070" but the characters between \$=C and \$03:, namely "12901985000000210000" or as it would have been broken out in a Martin ask: 1290/1985/00000021/0000.

Using this second string should permit an effective reconciliation process. Retaining it in Beagan's case data records is important because it is only sure connection between my cases data which include treatise topic codes and short form names for these decisions and the data shipped from MDC.

I assume in all this that the data received from MDC includes the full \$00: field and that Beagans truncated it in the file you sent me. If that is not the case we have a larger problem than reconciling lists.

I have scanned the files you sent and am reassured by the case names to believe that the number of wrong documents will prove to be minimal. I am puzzled by the number of records in the total count, however. My records show a total of 9090 case documents requested of MDC in the asks up to, but not including the September ask. Beagans 8594 case records is therefore to my reckoning puzzling low, not the other way around. To be sure that some of my ask lists did get lost in this three or four way communication effort I am enclosing duplicates of my memos to Sonny and the files that accompanied them.

I am also enclosing both memorandum and file that constituted the September 1993 ask. Its count is 310 which brings my total (of case documents alone) to an even 9400 (in which there may be a handful of duplicates).

True Duplicates in Beagans Case Records

00001508 HENNESSEY v FEDERAL SECURITY ADMINISTRATOR

00001508 HENNESSEY v FEDERAL SECURITY ADMINISTRATOR

00087592 MANUEL REYES Plaintiffs v SECRETARY OF HEALTH and HUMAN SERVICES

Defendant

00087592 MANUEL REYES Plaintiffs v SECRETARY OF HEALTH and HUMAN SERVICES

Defendant

00097096 AQUILA THOMPSON Plaintiff vs LOUIS W SULLIVAN Secretary of Health and

Human Services Defendant

00097096 AQUILA THOMPSON Plaintiff vs LOUIS W SULLIVAN Secretary of Health and

Human Services Defendant

00109421 ARGUSTIA LACY Plaintiff v LOUIS SULLIVAN Secretary of Health and Human

Services Defendant

00109421 ARGUSTIA LACY Plaintiff v LOUIS SULLIVAN Secretary of Health and Human

Services Defendant

00028167 Albert A Jones a minor child; Bridget Jones a minor child by their

mother and next friend Albertine Jones; Barbara L Jones Appellants v Richard S

Schweiker Secretary of Health and Human Services Appellee; Marcia Simms a minor

by her next f

00028167 Albert A Jones a minor child; Bridget Jones a minor child by their

mother and next friend Albertine Jones; Barbara L Jones Appellants v Richard S

Schweiker Secretary of Health and Human Services Appellee; Marcia Simms a minor

by her next friend Sheila Simms Appellant v Richard S Schweiker Secretary

Department of Health and Human Services Appellee

00025896 Katie M Fulton as Mother and Natural Guardian on behalf
of Rosie

Huggins and Maxine Huggins Minors over age of Fourteen Appellant
v Patricia

Roberts Harris Secretary of Health Education and Welfare of the
United States or

her successor or succ

00025896 Katie M Fulton as Mother and Natural Guardian on behalf
of Rosie

Huggins and Maxine Huggins Minors over age of Fourteen Appellant
v Patricia

Roberts Harris Secretary of Health Education and Welfare of the
United States or

her successor or successors in office Appellee

00035085 ROBERT TIDWELL et al Plaintiffs Appellees v RICHARD
SCHWEIKER etc et al

Defendants Appellees and IVAN PAVKOVIC etc Defendant Appellant;
ROBERT

SCHRECKENBERG et al Plaintiffs Appellees v RICHARD S SCHWEIKER
etc et al

Defendants Appellees and IVAN PAVKOVIC etc et al Defendants
Appellants

00035085 ROBERT TIDWELL et al Plaintiffs Appellees v RICHARD
SCHWEIKER etc et al

Defendants Appellees and IVAN PAVKOVIC etc Defendant Appellant;
ROBERT

SCHRECKENBERG et al Plaintiffs Appellees v RICHARD S SCHWEIKER
etc et al

Defendants

00002681 KYLE DORAN a minor by his next friend DORIS CLARK
Plaintiff Appellant v

RICHARD S SCHWEIKER * Secretary United States Department of
Health and Human

Services Defendant Appellee * Pursuant to Fed R App P 43 we
substitute the name

Richard S Schweiker successor to the original appellee Patricia
Roberts Harris

as Secretary of the United States Department of Health and Human
Services

formerly Health Education and Welfare

00002681 KYLE DORAN a minor by his next friend DORIS CLARK
Plaintiff Appellant v

RICHARD S SCHWEIKER * Secretary United States Department of
Health and Human

Services Defendant Appellee * Pursuant to Fed R App P 43 we
substitute the name

Richard

Memorandum to Don Zinter (CBC) 11/17/1993

Memorandum to Don Zinter

Dear Don et al:

I understand enough about SGML to have some reactions to Chris's draft mark-up, but want it understood I am no expert. I also know the LEXIS data structure pretty well and the functionality currently delivered from the VISF fields. However, the setting in which I have worked with SGML compliant markup - FOLIO flat file and HTML - have both included tagging designed to implement hypertext (of which there is yet no trace in the conversion instructions). Furthermore, since there are countless ways to implement SGML my experience may lead me to misunderstand the tags in the draft markup.

To begin, there are some basic assumptions that I bring to the exercise. First, nothing of potential value in the MDC data should, at this point, be thrown away -- even though we may have doubts about inclusion of a particular data element on the final FOLIO disk version. (E.g., nothing beyond achieve credibility through completeness argues for including field \$35 (date argued) in the final product but for now, keep it, separately

tagged.) Second, now is the time to add structure that is not explicitly coded in the VISF data but which can be derived from it, in some instances subject to editorial review. (The markup suggests this in its scheme to create separate tags for the attorney lists in \$105 out of a single MDC data element.) Third, such derived structure should include not only chunking and level assignments but also potential outlinks and inlink destinations. Which brings us to fourth, namely, adding assignment of paragraphs to pages in F.2d (and as of July 1993, F.3d), F. Supp., and U.S. (or L. Ed. 2d where the decision is too recent to have U.S. pages) is best done now. The question for each \$T within the chunks properly tagged <OPINION> (of which more below) is: on what page do you fall -- never once asking where exactly does the page break occur.

With that preamble out of the way let me turn first to what is not in the SGML markup, items that, given the above assumptions, need to be added or at least given place holders. I have tried to range them down from "must have" to "would be nice":

MUST HAVE:

*Some way to hold or subsequently derive the page on which each <P> within an <OPINION> begins.

*Some way to derive potential outlinks within an <OPINION> and their targets (document and location within) -- candidates include all references to ___ F.2d ___, or ___ F.2d ___, ___ with allowance for different spacing and also F. Supp., U.S. (or S.Ct. or L.Ed. where not preceded by U.S. Statute references and regulation references can be similarly identified. I call these potential links because the second step, to be performed later in the process, would be to determine whether the referenced item is in the collection that will be published on the disk. [We need to decide whether we want to try to derive within document links as well, i.e., one judge in dissent referring to a portion of the majority opinion or even one judge referring in paragraph 12 to a point made previously or subsequently. I assume this is too difficult but would be interested in the experience of the LAWDESK folks on this point.]

VERY DESIRABLE:

*To derive important logical structure where possible from the VISF print layout format. Let me give you few examples and invite your thinking about more.

1) I observe that : \$T" is how MDC renders an embedded quotation. In FOLIO that should be tagged so that it is not a new record but an <HR> with a paragraph style that carries indentation. I would urge a conversion process that caught and tagged embedded quotes and didn't just treat them as another <P>. My more general point is that this work is headed toward an SGML environment (FOLIO) that knows <RD>, <HR>, and <CR> and allows the association of particular named styles with the first two. To the extent we are going to use that rich set of options it seems to me that this SGML conversion is the time to start distinguishing our <P>'s.

2) I observe that the last \$T element in many opinions (I am talking here about the first opinion, the opinion for the court or \$120 opinion, not subsequently concurring or dissenting opinions.) is generally in truth the "bottom line" -- at least that last element is short (one or two sentences) and includes words like reversed, remanded, affirmed ... A conversion rule that separately tagged that element within an <OPINION> would, in my judgment, be desirable.

3) I observe that the structure at the beginning of the \$120 is usually \$T[list of judges on the panel hearing the case where the case is being heard by more than one judge -- i.e. Court of Appeals and Supreme Court] T\$[judge who wrote the court's opinion, i.e., the same information as \$115]. Like the proposed derived optional element in 2 above these two are part of the opinion, i.e. I am confident it is laid out in the format it came from the court/appears in the West books. I would suggest that where the initial lines of an <OPINION> fit this pattern that they receive tags.

4) As I suggested last week in Rochester, I would like to have the interior headings of each opinion (opinion for the court or dissent) tagged as an opinion element or header or some such.

WOULD BE NICE:

*It would be great to illustrate the distance of the FOLIO platform from West's Premise by delivery as much font value to the screen as possible. Case names and other cited material are generally rendered in italics. At least the decisions in the markup sample show none of that. I assume that more recent decisions and perhaps Supreme Court decisions going all the way back include this style. If there were a way to retro-fit the style on the older parts of the MDC data, programmatically, I would favor the effort.

Turning now briefly to the conversion of explicit VISF codes to SGML tags. Here having knowledge of MDC's assignments is important. Surely, they will give you a copy of them. From the top let me respond to those that appear in this small (and atypical because old) sample of case documents.

\$00 == Needs to be preserved so that it combined with the MDC database number will provide a case by case unique ID

\$10 == Parties names -- may not be used on the final disk because I will be providing a blue book conforming short name for each case, but should be preserved in an appropriately named field

\$20 == Docket number -- may not be used on the final disk but should be preserved (everything in field \$20) as the docket number (The markup suggests a separating out of something called a case number, but the usage here is so various and the utility of this information so minimal to us and the user that I would urge keeping as a single lump everything MDC has in \$20)

\$25 == Court - ok

\$30 == Citations -- would like this field disaggregated so that the standard citation, where it exists (F. Supp. for district decisions, F. 2d for Court of Appeals, U.S. for Supreme Court), is held in one field, the LEXIS cite (all Supreme Court decisions and all lower federal decisions beginning in 1987) in another, and all other citations in a third

\$35 == Date Argued - ok

\$40 == Date Decided - ok

(Are there any other date fields in later case documents? LEXIS often displays a "date filed" and my understanding was that a non-displayed "date first entered in the LEXIS database" field was to be added in the last year or so?) If so, my point would be simply, tag that data separately with a suitable name.

\$80 == ??? - This is described on page 21 as "Intro paragraph" but I fail to see any examples. I think we need a Supreme Court decision in the

sample set for they include a synopsis prepared by Court staff that may be placed in the \$80 field. I can't think of any element that regularly appears in Courts of Appeals or District Court decisions that fits the bill but that doesn't mean that there aren't occasional summary paragraphs that MDC has so tagged. ???

NOW WE GET TO THE IMPORTANT STUFF

I believe that \$115 and ascending fields ending in 5 hold the name of the author of the following opinion. It is MDC editorial value added, derived by MDC from the content of the text received from court. The first of these \$115 holds the author of the decision of the majority of the court, often but not always the only opinion. Those following \$115 (in the case of *Magner v. Hobby*, the first item in the sample) \$125 and \$135 carry the name of the judge and a characterization of the opinion from a limited set of alternatives. Notice that they are not mixed so that the single opinion by Swan receives both a concurring and a dissenting tag (\$125, \$135). This enables a LEXIS user to search for decisions by a particular judge of a particular type, e.g., dissenting opinions by Judge Swan. Thus I believe the conversion instructions set forth at the bottom of page 21 to be quite wrong. To focus on the *Magner* case (p. 1 and p. 10) the <OPINION> of the court written by Chase begins with \$120 (and includes both the beginning and ending elements suggested above). Chase's opinion ends prior to \$125. \$125 and \$135 are (like \$115) elements that name the author of the following opinion and its character. Swan's <OPINION> begins with \$140 and carries to the following case's \$00. The following cases in the sample are simpler having each only one opinion that begins with \$120. The last of the set, *Folsom*, has no \$115 element because as the second element of the <OPINION> states, it was "per curiam" a decision of the court without a named author.

This is already long enough and then some. I hope it advances the cause. An important next step which Chris may already have done but simply not shown in this same is to examine several district court decisions (including some that do not carry F. Supp. cites), one or more Supreme Court decisions, and to be sure that the sample includes decisions from important time segments, notably some 1993 decisions and also some from the early seventies and mid eighties (i.e., before and after the LEXIS retro build).

Letter to CBC group 2/18/1994

Don, Glenn, Sue and others:

I look forward to our meeting on Tuesday.

You asked if I could outline some of the concerns I might bring to our discussion of an expanded (Social Security Plus) product. (As

I asked you for an outline of what kinds of expansion you were thinking about.)

Here are my preliminary reflections. This is not a position paper but a straight-forward attempt to help you understand my perspective and set of interests.

To begin, you must understand that for me the questions you are now exploring are not new. I have wrestled with them before with others. That doesn't mean I come to our discussions clinging to old answers but simply that I'll not easily be persuaded.

In 1988, I spent several months in conversations with West and Wang folks about doing a Social Security CD-ROM. In the end, we failed to conclude an agreement because West was eager to move their existing print materials to CD and I was convinced that the medium called for construction from the ground up of a new kind of reference work, where the author's job was to create a structure that pulled together all the primary material in ways that print treatises do not. West was very interested in having me work with existing treatise material; I declined.

By late spring 1988 I had an agreement with MDC. It provided that I would do a "from the ground up" CD-ROM and document the process in a way that would assist the building of other specialty products. A year and a half later (late 1989) MDC reorganized and concluded that it (MDC as distinguished from its acquisition Michie) would not do CD's. But during the 1988-89 period, MDC folks and I worked hard on scope questions. What legal topics should the product encompass? What types of material (addressing those topics) should it include? Taking account of the kinds of considerations that I trust we will discuss on Tuesday, they and I concluded:

(1) that the work should cover the benefit but not the tax side of OASDI (different lawyers and agencies deal with the tax questions),
(2) that it should cover cognate SSI issues (because the claims so frequently overlap in disability cases and on disability issues the standards are essentially identical) but not all SSI cases (because those who do SSI disability claims are often not the same folks who do income and resource issue

representation and because SSI eligibility and benefit level law is not uniform nationally due to the overlay of state supplementary benefits)

(3) that it should cover attorneys fees issues including those arising out of the Equal Access to Justice Act because of their importance to those representing Social Security claimants

(4) that it should cover all OASDI issues not just disability so as to have reasonable value to public agencies, public libraries, SSA

(5) that it should not reach for the medical benefit programs, and critically

(6) that what it did cover it should cover completely -- primary material (statute, regulations, rulings, cases) organized by the treatise structure so that the product would be a near complete information resource for those working on problems within its scope.

Since 1989, I have built this information collection and treatise according to that model -- identifying the several thousand "Social Security" cases that fell within that

scope and excluding, Medicare, Medicaid, SSI income and resource cases; identifying the Social Security rulings that fell within that scope (and were still in effect) and excluding the rest; and so on. Writing the treatise and collecting and topic tagging the primary material was an iterative task. For as you know, the project entailed not only selecting cases in (and out) but investing massive amounts of personal and research assistant time in analyzing the cases and rulings (and law review articles, ALR Annotations, POMS provisions, etc.) against the treatise structure. All my updating work, as well, has been applied to this structure.

On at least two occasions, MDC people proposed the addition of specific secondary materials from other sources and I pointed out that since the treatise organized all the primary material and full text search allowed users to slice in using their own queries placing another organizing scheme with more limited references within the same electronic work space would very likely confuse more than it added. By contrast, we got very serious

about adding additional primary material (e.g., POMS or HALLEX if possible) or medical references sources and vocational material that Social Security practitioners use and value.

Moving rapidly forward, I'll note that during this product's LEXIS period the challenge was adapting the concept to the relatively clumsy hypertext environment of the online system (c. 1990-91). Its scope remained unchanged. And when Thompson Electronic and I negotiated and ultimately signed a contract for a CD in 1993 that contract provided for treatise and referenced primary material. Because of reorganization and other causes the project is way behind schedule. At Thompson's request and my personal expense I attended a NOSSCR meeting last May at which Thompson indicated a full prototype by the October meeting (which I fully believe goaded West into action). I organized last summer to be able to meet that deadline but nothing happened.

Our contract is simple-minded adaptation of the author-publisher model and I have

conscientiously worked at doing my part. In it, Martin (author) undertakes to furnish the treatise and (unusually) furnish massive amounts of primary material and keep the material updated, being compensated with royalties. The publisher has the right to take over the work if the author fails to maintain it. Expansion of the work by the inclusion of additional topics or additional material prepared by others is not addressed or rather is not provided for. Reshaping the product by doing either, in my judgment, points toward a different relationship. I am open to a different relationship but puzzled about the possibilities. You are doing other projects that are not in the author-publisher mold and so presumably have some ideas.

Were this my only electronic publishing activity, I would be puzzled enough. But I now direct a non-profit entity that would be delighted to publish all or part of this work over the Internet and on disk. (Had this work not been committed to Thompson, it would by now be available in hypertext form, without charge, on the Internet.) As editor and

publisher I am responsible for a range of activities that make it important for me to limit rather than expand my ongoing time and energy commitment to this product.

I approach our meeting with a very open and flexible cast of mind and with full authority to work out any arrangement that makes sense.

There is only one of me. It is more complicated for you but I hope we can reach a clear understanding of where we move and how on Tuesday.

Peter W. Martin

Analysis of West's Competing Product(s) 2/21/1994

P. Martin - 2/21/94

West's Social Security Reporting Service

I. The Stated Coverage:

OASDI, SSI, Medicare, Medicaid

II. Coverage Limitations:

No pre-1983 cases when the print series began (?) [but complete retrospective ruling collection (?)]

Only print published cases *

III. Some Numbers:

Cases in Westlaw that have been given key numbers in the Social Security and Public Welfare topic area (includes AFDC, Railroad Retirement, and Unemployment Insurance in addition to OASDI, SSI, and the medical programs): 10,530

Cases in Westlaw with Soc.Sec.Rep.Ser. cites: 4,380

Cases with Soc.Sec.Rep.Ser. cites that lie outside the Social Security and Public Welfare topic area (includes simple disposition notices [cert. denied], plus EAJA, and cases falling under other Federal statutes that apply to hospitals, e.g., Patient Anti-Dumping Act and the Emergency Medical Treatment and Active Labor Act): 740

Non- OASDI cases in Soc.Sec.Rep.Ser.

(out of the 4,380 total) : non- Social Security and Public Welfare (740); medical programs (930); and SSI (480)

Medical program cases in the Social Security and Public Welfare topical area (out of the 10,530 total): 1,640

=====

* Martin coded cases for the year 1989 (655), Martin district court cases for the year 1989 (487), Martin district court cases for the year 1989 that were not printed in F. Supp. (354)

Soc.Sec.Rep.Ser. cases for the year 1989 (400), Soc.Sec.Rep. Ser. non-medical program cases for the year 1989 (342), Soc.Sec.Rep.Ser. non-medical district court cases for the year 1989 (160)

Letter to Don Zinter 4/4/1994 (CBC)

Cornell Law School

Legal Information Institute

Peter W. Martin
Jane M.G. Foster Professor of Law
September 7, 20184

Don Zinter
Scott Hossler

Dear Don and Scott:

Here are the the ascii dumps from my case records on U.S. Supreme Court and U.S. Court of Appeals decisions. Those on U.S. District Court decisions will follow shortly.

This should include enough data to determine which of these records: 1) match cases received from MDC and 2) which don't, as well as 3) which cases received from MDC have no

corresponding record. I am hoping that the latter two categories are small enough that I can do an editorial review.

Part of my delay in getting this to you arose from my desire to convert the code field from the format that I had used in LEXIS (e.g., P750) to that which I shall want merged with the FOLIO version of the cases. (You will recognize the new <GR:"P 750">.)

Please let me know if you have any trouble working with these files.

Sincerely,

Letter to Sue Rinebold 4/4/1994 (CBC)

Cornell Law School

Legal Information Institute

Peter

W. Martin

Jane M.G. Foster Professor of Law

September 7, 2018

Ms. Sue Rinebold
Clark Boardman Callaghan
50 Broad Street East
Rochester, NY 14694

Dear Sue:

Thank you for sending copies of all the relevant CBC publications.

I have finally tracked down the database of attorneys practicing Social Security law I had a student build in 1989-90. It was derived from a number of sources and has not been updated. One of the sources is now in CBC's hands, namely my collection of Social Security cases, as stored in LEXIS. Each decision lists counsel for both parties. An interesting and I suspect useful exercise would be to pull the name and address of claimant's counsel from each decision of the past 2 or 3 years (or as more limited test case, the Court of Appeals decisions of the past 2 or 3 years). As when my student did that some years ago, I am sure that this will show some repeat players.

I would appreciate your letting me know what use you make of this data and the extent to which it identifies attorneys not already on your list.

Sincerely,

Notes on Infobase Architecture 4/14/1994

Act:

Functionality needs/questions:

Need to have jump destinations to a lower level (consider the reference out of A 100 -- 402(j)(5))

Need to have grouping by section (and subsection?) to facilitate array links (more important with regulations)

Need to have self-linking at the subsection level, at least

Regulations:

Functionality needs/questions:

Need to have grouping by part, subpart, section to facilitate array links (more important with regulations)

Need to have self-linking at the section level, at least

Cases:

Order:

Assuming that all cases are in the same infobase, they should be arrayed top down and in reverse chronological order -- i.e., Supreme Court (1994 =>1935), Court of Appeals(1994 =>1935), District Court(1994 =>1935).

Functionality needs/questions:

I want the decision parts to be self-linking so that user doesn't have to do the unselect records with hit gambit currently called for in popup.

Need to be able to link to one or several decisions at the cite level, which will require using the existing group name (o.k.) or fielding the volume reporter number piece of the citation.

Need to allow the user to constrain for court which means either grouping or fielding the court portion of the short form citation.

Need to put group tags on decisions that provide the target for treatise links, how will we accomplish that (a logistical, data transmission and control question)

Rulings:

Should be strict reverse chronological order, i.e., most recent first.

Functionality needs/questions:

Need to provide the simple self link or popup options (like cases).

Need to be able to link to one or several rulings at the cite level, which will require using the existing group name (o.k.) or fielding the volume reporter number piece of the citation.

Need to allow the user to constrain for court which means either grouping or fielding the court portion of the short form citation.

Need to put group tags on rulings that provide the target for treatise links, how will we accomplish that (a logistical, data transmission and control question)

Letter to Don Zinter 4/19/1994 (CBC)

Cornell Law School

Legal Information Institute

Peter

W. Martin

Jane M.G. Foster Professor of Law

April 19, 1994

Don Zinter
Scott Hossler

Dear Don and Scott:

Here are the the ascii dumps from my case records on U.S. District Court decisions.

This should include enough data to determine which of these records: 1) match cases received from MDC and 2) which don't, as well as 3) which cases received from MDC have no corresponding record. I am hoping that the latter two categories are small enough that I can do an editorial review.

You will note that those on the first disk (#1) have a field holding FOLIO group names associated with treatise sections.

Please let me know if you have any trouble working with these files.

Sincerely,

Memorandum to Don Zinter 5/3/1994 (CBC)

Memorandum

To: Don Zinter and Scott Hossler

From: Peter Martin

Subject: May 1 Ask, Rulings, USCS **Date: May 3, 1994**

1. May 1 Ask

The enclosed disk has two files *.out that contain the most recent Social Security cases to appear in the LEXIS database. I have shifted from the prior short form to a full case record in the format that I have sent the others for Scott's database. That should save a step. Now that the db is constructed, Scott, is there some other flat file format that would simplify additions or is this ok?

Here is an issue that should go on the list of maintenance questions to be resolved for with the creation of your database I view it (not mine) as the maintenance vehicle. Each month as I compile my list of new cases I add the substantially longer list of cases generated by my review of LEXIS to my database and determine which are truly new items. Only cases not previously requested do I forward to you. In any batch there a quite a few that are generated by my LEXIS search simply because the LEXIS record has been revised, most commonly by the addition of the print citation (F.2d or F. Supp.). In those cases, I don't pass the new information on but do add it to my db. Question: As we work to build a smooth maintenance process shouldn't I send the full list on to you so that the new data on existing records can be added to your db?

2. Rulings

Here is my complete list of rulings including treatise topic codes for them. It includes only those rulings that cover the scope of the treatise (no SSI income and resource rulings) and only those rulings that are currently in force (rescinded and superseded ones have been omitted).

Those that have a LEXIS cite are in the SSRULE file. Those that have only an FR cite are not and must be drawn from the Federal Register file. In at least two cases these are revised versions of earlier rulings that were rescinded in their original form.

3. USCS

I observe that the USCS infobase still contains the case annotations, CFR references, and practice guides. My understanding is that they are coming out. Right?

The editorial treatment of statutory history which is staying in should (in my judgment) be placed either in a separate infobase or else in a collection of historic notes at the end. At the end of each section of the code there could be a link to its history wherever located. The problem with the current placement comes with a search. One should be able to search the current statute as a unit and move from hit to hit in it without being snagged by quotations from earlier or amending language in the history notes. One could place act and the history in separate groups, e.g. <GR:code> and <GR:history> but especially with backtracking across infobases I would urge the separate infobase solution.

The "self-linking" of section and subsection headings should with the act and regulations bring one to that spot in the full infobase -- i.e. either a jump link or a query link not limited to the records with hits. Cases and rulings are a different matter -- browsing up and down to the immediately prior and subsequent one has no interest because they are not logically related -- so a query link to the case or ruling as a group with the display limited to records with hits is fine with them.

In beginning to build links from treatise to USCS I ran into an error that shook my faith in the accuracy of the version we are working with. Let me describe the error. 405(g) is the most frequently cited provision of the Act for it is the subsection that establishes judicial review. The infobase you sent me has no 405(g), but has instead a 405(f) that is, in truth, 405(g). 405(f) was repealed. USCS in print and in LEXIS both say so and do say so with "(f) [repealed]" or some such as a placeholder prior to 405(g).

I would ask that you figure out what happened in this instance and check to be sure that there are not other examples of the phenomenon.

Memorandum to Don Zinter 5/3/1994 (CBC)

Memorandum

To: Don Zinter and Scott Hossler

From: Peter W. Martin

Subject: A Few Further Points

Date: May 3, 1994

1. Case Codes

If I start sending you the topic codes for case documents, is Scott's database set up so that I need simply send a file containing records consisting of but two fields: case citation and group names

reflecting my treatise topic coding of that case? In other words, I would send a file containing records looking like this made up example:

%start:

%1:1994 LEXIS U.S. App. 2043

%2:<GR:SSGEN><GR:"A 200"><GR:"E 100">

%end:

That would be simplest for me but would be happy to consider alternatives.

2. Rulings

The rulings data I am sending is set up with three fields: 1) a normalized ruling number (SSR for Social Security Ruling and AR for Acquiescence Ruling) [the LEXIS data has it variously]; 2) a LEXIS cite for those in SSRULE and a FR cite for those not contained in that LEXIS file but in the LEXIS FEDREG file; and 3) group names reflecting connections to the treatise.

3. USCS

I just did a LEXIS search looking for subsections in the title II sections of the Act where no statutory language exists anymore but the USCS legend [Repealed] or [Deleted] or [Redisgnated] holds the space -- thinking that might be the source of the 405(g)/(f) phenomenon. There are a number of them which I have not yet checked in the infobase (which I am working on at home, not here in my office), including 402(m), 405(m) (as well as 405(f), and a bunch in 415.

4. Sending Files to You

I can keep on sending diskettes by Federal Express but wonder if one of several modes of electronic transfer wouldn't be preferable. Those that occur to me are sending the files via Compuserve or setting up a directory of our Internet server so that you can pull files from it by ftp.

To Don Zinter - 5/8/1994

Don:

Some notes on the infobases I've been working with:

Social Security Cases:

The cite level needs to carry the topic groups (indeed given the capacity to do a search at the cite level it is the only record in a case that needs to -- although there may be some ease of use gains in having all records of a case tagged).

USCS-ACT

42 USCS 402(n) is another subsection that has been up one letter; it appears as 402(m) in the infobase.

42 USCS 1320a-6 (and perhaps the rest of the a-* crowd are not properly tagged as a jump destination or group. [Section numbers get crazy in the SSI portions of the Act.]

Memorandum to Don Zinter 5/10/1994 (CBC)

Memorandum

To: Don Zinter

From: Peter Martin

Subject: Treatise -- Working Draft **Date:** May 10, 1994

1. Treatise Infobases

Enclosed are two infobases containing a current working draft of the treatise (treatise.nfo [the main item] and other.nfo [containing section by section references to law review articles, alr annotations, and the POMS]).

The structure has been enhanced so that it is point and click navigation from the front menu straight to the section level.

It has been revised to reflect the 1994 numbers (COLA, exempt amount, etc.).

All or almost all of the case references in the text of the treatise are linked to the cases infobase. From the references popup the act and cases links should work. (Those to EAJA don't work because the current version of it doesn't yet have the structure now built into USCS-ACT.) The link to "All Cases Classified to this Topic" presumes that the Cite Level of the cases infobase carries the topic code groups (not true of the version you sent this weekend). The internal cross references to other treatise sections and to "Other References" should work.

To illustrate Hallex links I have created three, in sections E 200, E 300 and E 600.

Completing links to CFR and Rulings awaits my receipt of those infobases.

2. Another USCS-Act Anomaly

Would you check 416(h)(2)(A). It is a heavy traffic site and my notes have it that the "(A)" is missing. In other words, there is 416(h)(2) ...text and then (B) ... text. I haven't done a text compare with another source, but I don't know that any text is missing ... just the "(A)".

Peter

Memorandum to Don Zinter 5/18/1994 (CBC)

Memorandum

To: Don Zinter

From: Peter Martin

Subject: Infobase Details #1

Date: May 18, 1994

I am spending enough time working with the several infobases each day like I am likely to be generating a lot of small points. Rather than store them up, I'd like to get them off my mind by sending them your way, more or less, as I bump into them. To help us both I think I'll number these communications.

I. Cases

A. Court links

I have built a prototype guide of the sort we discussed. Flatfile and def enclosed. The idea is that for each topic link to the cases infobase there would be a record that would lead the stack that would contain a set of links to court subsets of the whole -- topic code and 2d circuit, for example. Actually, as I've set it up topic code and supreme or 2d cir. To fit these files through the 80 gate that we've discovered I placed a % at the beginning of all of the lines before wrapping which should allow you easily to undo the wrap and take into FOLIO to have a look. Once I've got your reaction, I'll replicate.

B. D.C. Circuit

In the course of working on this I discovered that the D.C. Circuit (U.S. Court of Appeals) ended up lumped with d.d.c.

(U.S. District Court for the District of Columbia). Their needs to be a "d.c. cir." group. The court field for the cases to be included includes the words "district columbia circuit appeals".

C. Decision order (and levels)

The most recent cases of all courts have only LEXIS cites. As they age they acquire others. That process should not affect the case placement. The big example of confusion on this score may simply be confusion about court. The most recent Supreme Court decision in the infobase 1991 U.S. LEXIS 3322 is to be found among district court decisions and not where it belongs at the top of the stack. (I think it also carries a wrong court group identifier.) I would suggest using the F. Supp. and F.2d cites as the key for sorting the non LEXIS cite cases (District and Court of Appeals decisions prior to 1987) and using official U.S. cite for all Supreme Court decisions that have them and the LEXIS cite for all recent decisions. It also might be useful unless it hits search performance to add a court level above the cite level in the cases infobase with entries at the boundaries -- i.e. Supreme Court, U.S. Court of Appeals, District Court.

E. Format for the cite level entry

My preference would be for the links off the treatise to generate a list in which each entry commands only a single line. At the moment the entries each include a <CR> and have a style that places .125" white space above. I presume this is done to achieve proper appearance when the entire case is being viewed. Substituting a <CR> at the end of the last record of a case and at the beginning of the first record following the cite level or, no doubt, some more elegant treatment could allow both.

Memorandum to Don Zinter 5/19/1994 (CBC)

From: Peter Martin (MARTIN)
To: R2D2:MHS:F:"SMTP (DONALD E. ZINTER)...
Date: Thursday, May 19, 1994 5:47 pm
Subject: Rulings Infobase

Memorandum

To: Don Zinter

From: Peter Martin

Subject: Infobase Details #2 Date: May 19, 1994

I have added rulings links to all of the treatise sections for which there are coded rulings. Now that you have created the pre-beta do you want me to send treatise updates?

A.

My work on the rulings leads me to make a point about what a query link to the ssr number level yields similar to the one I made yesterday about the cases infobase. I would like links from the treatise to produce a list of single line entries. But the top record for each ruling has a <HR> following the SSR number line and then "Social Security Administration". E.g.,

<RD:ssr number>SSR No. 86©17a<HR>

Social Security Administration

<RD>....

I would suggest adding that second line to the record following or putting it in one all its own.

B.

I notice that the record holding the opening screen menu on the rulings infobase (and the others) is placed at the top level. The similar record for my treatise is normal level. The difference comes in viewing the infobase via the table of contents where I don't think you want the menu screen text to show. Am I missing a reason for doing it the other way?

Memorandum to Don Zinter 5/24/1994 (CBC)

Memorandum

To: Don Zinter

From: Peter Martin

Subject: Infobase Details #3 & More Case Codes

Date: May 24, 1994

1. Case Topic Codes

The enclosed disk has seven files. Three of them I believe I already sent (CTAP94CD.CBC, CTAP92ACD.CBC, CTAP93BCD.CBC). The other four (94CTPB.CBC, 92CTPB.CBC, 93CTPA.CBC, and DIST94A.CBC) are new. All contain topic codes for cases presently in Scott's database with citation information to link them to existing data. The last file, DIST94A.CBC, is the first I have done working directly from the cases infobase you sent me. With it (and subsequent coding done from the CD) the linking data is limited to that contained in the cite level record. Let me know right away if that is a problem.

2. Infobase Details

In working with the cases infobase, I've noticed that your format for the LEXIS cite differs from that on LEXIS in the matter of spacing. LEXIS has it "U.S. Dist." and you have it "U.S.Dist.". The latter form threw me off in searches because U.S.Dist. is treated by Views as one word. Is there some reason for removing the space (e.g., is that how Autocite does it)? If not I would urge consistency with LEXIS.

MEMO to Don Zinter – 5/31/1994

To: Don Zinter

From: Peter Martin

Subject: Additional Case Codes and Infobase Details #5(?)

Date: 5/31/1994

=====

In working through 500 or so district court decisions this weekend I came across a formatting problem you, no doubt, have already spotted. The MDC table format codes are not translated. For examples, see: 700 F. Supp. 1089 and 1993 U.S. Dist. LEXIS 8519

The ZIP file I am sending simultaneously contains two files in a familiar form:

DISTCD.FLT contains topic code groups for 478 district court

decisions. The records contain only three fields: %1: [an incomplete short name drawn from the cite level record] %11: or %12: [the F.Supp. or LEXIS citation drawn from the citation field] and %15: [the topic group codes to be added to Scott's database]

DISTEXCL.FLT contains records for three cases that should be excluded from the infobase because in classifying I concluded they fall outside its scope. As I proceed with case classification there are likely to be a few more of these discards. Unless you tell me otherwise, I'll identify them for you this way -- records in which the %15: field is the group "exclude". So far as I am concerned these cases can be flushed from the database.

Having sent you these I am going to cease classifying cases until I have from you a new cases infobase this latest batch of codes. (Since I am now classifying using the infobase, I am depending on it to tell me when I have already classified a case -- a far more efficient process than working off my independent records.)

Memorandum to Don Zinter 6/2/1994 (CBC)

From: Peter Martin (MARTIN)

To: R2D2:MHS:F:"SMTP (DONALD E. ZINTER)...

Date: Thursday, June 2, 1994 1:29 pm

Subject: The Cases

The disk arrived and I have begun work on the cases.

A few details:

The two most recent Supreme Court decisions which still have LEXIS cites (because they haven't yet acquired U.S. cites) are still missfiled among the U.S. District court decisions. (I believe I pointed out this problem earlier.) At present they carry the cites 1991 LEXIS U.S. 3322 and 1993 U.S. LEXIS 4399.

They are grouped, respectively with S.D. Ala. and E.D. Mo., but they should both be grouped supreme.

I see in them the sequencing of LEXIS cite discrepancy that Scott mentioned to me. I swear that anything I gave you in a cite field came from LEXIS but I observe in current LEXIS documents a consistent "U.S. [court abbreviation] LEXIS"
-- therefore

Supreme decisions should be: U.S. LEXIS

Court of Appeals: U.S. App. LEXIS

District Court: U.S. District LEXIS

I continue to think that the user would be assisted by having a level above cite that collected decisions of the three court tiers: i.e.

Supreme Court, U.S.
Courts of Appeals, U.S. District Courts

Talk to you tomorrow.

Peter

To Don Zinter - 6/6/1994

1. Cite Level Record

Citation Format (which is also applied to the citation derived group name for all the pieces of a case)

Lexis Cites

Supreme Court --

1994 U.S. LEXIS 1234 (1994)

U.S. Courts of Appeal (Circuits 1 through 11 plus D.C. Cir.) --

1994 U.S. App. LEXIS 4327 (D.C. Cir. 1994)

U.S. District Courts

1994 U.S. District LEXIS 1551 (N.D.N.Y. 1994)

Print Cite (Used where available)

Supreme Court --

123 U.S. 345 (1988)

U.S. Courts of Appeals (Circuits 1 through 11 plus D.C. Cir.) --

123 F.2d 345 (D.C. Cir. 1994)

U.S. District Courts

123 F. Supp. 345 (N.D.N.Y. 1994)

NOTE:

Currently, LEXIS cites have LEXIS as the first element -- e.g., 1994 LEXIS U.S.App.-- and they have no space following U.S.

Currently, print cites of F. Supp. have no space between F. and Supp.

Case Order

Should be Supreme Court (inverse chronological), U.S. Courts of Appeal (all circuits together, inverse chronological), U.S. District Courts (all districts together, inverse chronological) (as previously communicated I would favor reinforcing these divisions with levels)

NOTE:

Currently, Supreme Court decisions with LEXIS cites have been mistakenly grouped with district court decisions and both Courts of Appeal and District Courts have been ordered by circuit or district. Furthermore, the D.C. Cir. of the U.S. Court of Appeals has been mistakenly grouped with district court decisions.

Style

Should be single line so that when links from treatise generate a list of cite level records a reasonable number can fit on the screen. Format records immediate before and after to get the desired white space for a full decision display or print.

Autocite

Still to be accomplished. And with it a functioning date field.

Get Rid of Garbage

All "ask" information can be deleted from your database or moved to another field.

2. Case Grouping

See #1 above for needed changes in citation derived group names.

Topic group error correction "010" and "000", do you want me to send corrected topic lists.

Global changes: I think it may be better to have names like "all disability" and "all family" instead of ssdis and ssfam. What do you think. When/how should that change be made?

3. Initial Case Material -- Format

See 835 F.Supp. 1414 for a sample of current problems:

- 1) Multiple versions of names
- 2) Data elements not separated by <HR> or <CR> where they should be, e.g., between parties names and docket number, between date and attorneys for one side, between attorneys and judge's name
- 3) Page numbers have slipped through here and throughout some of the decisions (both LEXIS and West pages), e.g., 1293*1 (LEXIS page) and 1103*1415 (West page)

4. Case Interior

Roughly 600 of the cases end with the MDC proprietary audit and coding fields -- "try running the search pq* on the infobase. To be eliminated.

A smaller number of cases include page number codes both LEXIS and West pages (see above), they can be searched for by initial code number.

Finally, tables are shown in their native VISF coding. I find some 200 plus of them with the search m0*.

As yet there is no cross linking of the cases.

To Don Zinter - 6/16/1994

Don:

I am on a first complete pass through the treatise (volume 2) checking every link against the infobases you delivered yesterday. No attention to content on this pass just the fit between treatise and primary material it references. Since we are working on such a tight schedule, I thought I should share a list of problems I have hit to date now and not wait until the end. (I am relying on CBC for thorough error checking of this material, limiting my own efforts to what I find in working on the treatise links.)

1. Cases Infobase

In addition to the problems of erroneous connection of district court decisions with circuits noted in your 6/15 memo and the placement of all circuits in the 1st circuit group I have discovered the following:

A) Decisions of the U.S. Court of Appeals for the D.C. Circuit are still wrongly placed and wrongly designated as though they were decisions of the District Court for the District of Columbia. Do a search that looks for F.2d and D.D.C. in the cite level record and you will find 42 of these. They should carry the court designation D.C. Cir. in the parenthesis with the date) and be placed in the infobase with other Court of Appeals decisions.

B) An error flowing the other direction. Decisions of the U.S. District Court for the District of Minnesota (Third, Fourth or Fifth Division) have been erroneously placed among the Court of Appeals decisions and given 3d, 4th or 5th Cir. court designations. Do a search that looks for cir. and either dist or supp in the cite level record and you will find 29 of them.

C) The standard (Blue Book) citation form dictates some changes in the short citations in the cite level record. >>First that form says don't put the word Supreme in the parenthesis for Supreme Court decisions because the court is implicit in the citation and (as distinguished for Courts of Appeals and District Courts) there is only one Supreme Court. Options at this point include removal, having that text be hidden (character style) and no doubt some others.

>>Second that form says remove the comma that currently separates the court designation from the year. It should be (4th Cir. 1988) not (4th Cir., 1998). It should be (S.D.N.Y. 1998) not (S.D.N.Y., 1998).

D) There are missing cases including some that are in the "Key Cases" links and even some that are explicitly referenced in the treatise text. Missing cases include: 572 F.2d 697

E) There are numerous cases that don't have a proper cite level record. Search for the number 20 as in \$20 in the cite level record and you'll see them. This is not only an ugliness problem but a link problem because those that lack a citation at that level are not properly grouped and are therefore not returned by a Key Cases link off the treatise. Examples of cases not missing but inaccessible to a link for this reason include: 789 F.2d 659, 878 F.2d 263, 906 F.2d 910

F) Other issues. I don't see any indenting in the case text where I presume the indent code exists in the VISF data (analogous to the table problem). Footnotes are still not in popups. Cross references are not linked.

2. Act Infobase

A) [Unchanged] or variants appear in numerous locations. Do a search for unchanged and you will see. (Some 302 occurrences) I presume this is a byproduct of editorial review that should now be removed.

B) Links from the second or subsection level records to themselves should not be RH. Cases and rulings should be and are. Act and regulations should not. (Adjacent documents with the former are irrelevant. Adjacent documents with the latter tend to be relevant.)

C) Internal cross references are still largely not linked with the embarrassing exception of 42 U.S.C. 401 et seq which is in effect a link to the Social Security Act in its entirety. Those 401 et seq links should not be hot. Those that refer to another subsection of another section should be. See, e.g., 414(a).

D) Subsections that lack a heading are ending up in their entirety in a subsection level record with atrocious consequences for format. Two ways to go that I see, both relatively easy to pull off manually but both requiring somebody's eye and head to make the call (within FOLIO). Pull up all records at the relevant level and:

>>hit the enter key after the (c) or (a) leaving the letter alone in a subsection level record and put the newly separate following record at the normal level or

>>create a paragraph style to override the level style and apply it to these records.

E) Section 415 is missing JD's and groups for the subsections below (a). The link to the act from B 200 will not work as a consequence.

2. Act Infobase

3. CFR Infobase

A) See above about self links from the section header

record. (Should not be RH).

B) Check 404.1039 and 404.1363 headings

4. Rulings Infobase

A) The repetitive phrase Social Security Administration should be moved out of the ruling number level record and put in a following record so that a list of rulings pulled up on a link from the treatise isn't burdened by the useless repetition.

B) It appears that a fair number of rulings (not counting the most recent ones the importance of which we spoke of yesterday) are missing. These in all cases are ones that are specifically referenced in the text: SSR 72-59, 74-19, 75-19 (I see no rulings between 72 and 79 -- I have not checked my database to see if that is true of the list I gave you), AR 91-X(3) (renumbered I seem to recall when republished in the Federal Register the following year), AR 86-9,

To Don Zinter - 6/17/1994

Don:

I am continuing to plow through the Treatise section by section. With print product this would be called cite checking. Link by link I am firing the treatise against the other infobases and reviewing the results. Here are some more problems found in the primary material infobases through that process. I hope and trust that others are engaged in systematic checking (proof reading) of those infobases but more on that below.

I'll call later this a.m.

I. Act Infobase

First a minor problem. I have encountered a fair number of run together words. A spell checker should catch them.

See, e.g., 405(b).

Now a big one. The Act still has a serious problem with the

addresses of particular chunks. I have encountered one instance of what I would call stuttering. A particular chunk carries the label (A) (A) or (i) (i). Have a look at 1382c(a)(1). That should be a problem easily identified and dealt with. A worse problem that in my judgment calls for a paragraph by paragraph proof reading is the swallowing of paragraph identifiers. The following examples were drawn from LEXIS this a.m. Citing to these chunks one would specify 416(h)(2)(A) and 402(k)(1). In the Act Infobase the (A) in the first instance and the (1) in the second are missing. That is, in my judgment, serious, substantive -- the kind of error that undercuts the credibility of the entire product.

416(h)

(2) (A) In determining whether an applicant is the child or parent of a fully or currently insured individual for purposes of this title [42 USCS @@ 401 et seq.], the Secretary shall apply such law as would be applied in determining the

....

402

(k) Simultaneous entitlement to benefits.

(1) A child, entitled to child's insurance benefits on the basis of the wages and self-employment income of an insured individual, who would be entitled, on

....

2. The Cases Infobase

List of Missing Cases (Known to Me Because They are Either Linked "Key Cases" or worse yet explicitly referred to in the treatise "Cited Cases").

E 340 861 F.2d 536

E 400 907 F.2d 871

E 910 601 F.2d 216

H 110 787 F.2d 50

H 140

H 800

K 100 407 F.2d 59

H 300 653 F.2d 428

I 200 212 F.2d 480

J 110 833 F.2d 481

J 220

J 230 655 F.2d 10

J 500 650 F.2d 840

K 200 833 F.2d 481

M 400 845 F.2d 607

N 100 460 F.2d 1229

P 100 800 F.2d 153

3. CFR Infobase

A small problem with the heading of 404.967.

It looks to me from one encounter as though the parser
wasn't set to catch double section signs. See 404.305(a)
where this is rendered dollar sign section sign.

4. Rulings Infobase

Cited but missing rulings:

E 300 AR 91-X(5) [one of those that has a new number as a
consequence of Fed Regis issuance]

E 920

E 950 SSR No. 88-5

J 700 SSR No. 73-41

To Don Zinter & Scott – 6/17/1994

Don and Scott:

I. Missing Cases/Rulings

I have completed my link firing and can report the following
additional missing targets.

P 610 683 F.2d 1138

P 710 929 F.2d 292

P 720 914 F.2d 614

P 740 SSR No. 90-1p

P 900 SSR No. 82-63

P 910 834 F.2d 97

Q 100 880 F.2d 860

Q 300 912 F.2d 532

II.. Case Anomalies

There is a Note on the cite level record for 988 F.2d 789.

Don't know how it got on the infobase but it should come off.

There is some LEXIS specific text in the beginning of the most recent Supreme Court Decision, Shalala v. Schaefer, which the infobase has as 1993 LEXIS U.S. 4399 (Supreme, 1993), [of which more below] that should come out.

III. Proper Format for LEXIS cites

All my key cases until the end were F.2d and U.S. so I didn't realize until then that the LEXIS cites were still in erroneous format. I went back to my notes. Here are my notes which I know we talked through step by step on the phone.

NOTES

"Lexis Cites

"Supreme Court --

1994 U.S. LEXIS 1234 (1994)

"U.S. Courts of Appeal (Circuits 1 through 11 plus D.C. Cir.) --

1994 U.S. App. LEXIS 4327 (D.C. Cir. 1994)

"U.S. District Courts

1994 U.S. District LEXIS 1551 (N.D.N.Y. 1994)

"Currently, LEXIS cites have LEXIS as the first element -- e.g., 1994 LEXIS U.S.App.-- and they have no space following U.S."

END OF NOTES

I feel very strongly that the world does not need another citation format. The one I've set out above is what LEXIS uses. I am firm that the product that ships to a customer should have LEXIS cites that will work in LEXIS. I just tried asking LEXIS for 1993 LEXIS U.S. 4399 and it said it had no reporter by that name. I then entered lxe 1993 U.S. LEXIS 4399 and got Shalala v. Schaefer. I went into Autocite where I found the prior Court of Appeals LEXIS cite exactly as I have noted above. If the samples you give your sales staff must have the cites backwards because of the press of time I'll understand.

I have only one link off the treatise that calls a decision by its LEXIS cite group name as it now is so I can make the switch easily.

That one link, to Shalala v. Schaefer, introduced me to the next problem.

IV. Cases Without Topic Codes

As you know I am, by now, relying on your database to link cases and codes. I didn't realize until I hit Shalala how many of the cases in the cases infobase lack topic codes. I knew that I had coded that case and when it didn't show up

in the all cases ... list for T 600 I ran a search and discovered over 1700 cases without topic codes. I then ran a spot check against the codes I sent you after my coding marathon. The results follow:

Shalala v. Schaefer, 1993 LEXIS U.S. 4399 (Supreme, 1993)
<GR:"T 600"><GR:SSATT>

....

Sitar v. Schweiker, 671 F.2d 19 (1st Cir., 1982)

<GR:SSDIS><GR:"N 600"><GR:"N 100">

Wilson v. Secretary of Health & Human Services, 671 F.2d 673 (1st Cir., 1982)

<GR:SSGEN><GR:"F 300"><GR:"D 100">

Smith v. Schweiker, 671 F.2d 789 (3d Cir., 1982)

<GR:SSDIS><GR:"N 600"><GR:"N 300">

Leikind v. Schweiker, 671 F.2d 823 (4th Cir., 1982)

<GR:SSGEN><GR:"F 100"><GR:"A 400">

Davis v. Schweiker, 671 F.2d 1187 (8th Cir., 1982)

<GR:SSDIS><GR:"N 600"><GR:"N 100"><GR:"P 820"><GR:"N 700">

Bonilla v. Secretary of Health, Education & Welfare, 671 F.2d 1245 (9th Cir., 1982)

<GR:SSDIS><GR:"N 600"><GR:"N 100">

Walden v. Schweiker, 672 F.2d 835 (11th Cir., 1982)

<GR:SSGEN><GR:SSDIS><GR:"N 600"><GR:"N 100"><GR:"P 740"><GR:"E 330">

I didn't check all 1700. For me that would be a heavily manual process. But my effort had me convinced that I had coded virtually all the cases on the 6-1 disk. The current disk is missing many of them. This is a problem that needs to be solved before the product goes to customers. I doubt the data I sent has been lost but needless to say I still have it.

Memorandum to Don Zinter 7/25/1994 (CBC)

MEMO

TO: Don Zinter

FROM: Peter Martin

SUBJECT: Review of Near Final Infobases

Date: July 25, 1994

REVISED TREATISE AND TIPS INFOBASES

I have uploaded to compuserve zipped FFF and DEF files for treatise.nfo and other.nfo plus revised flat file text to substitute for the equivalent search tips material in the cases infobase. The second version of the treatise (final.zip) I uploaded should be substituted for the one I uploaded late last night (treatise.zip). Last night's version can be discarded.

The treatise infobase has had the following done: 1) all cases and rulings explicitly cited in the text were test fired and those which had not been linked because of missing rulings have been linked 2) all cases using the backwards LEXIS cites incorporated in the prior version of the disk were conformed to the new correct cites, 3) the "Other References" link has, per your request, been made more expressive (References to: POMS, Articles, Notes), and 4) the link style for explicit cross reference links to cases and rulings cited in the text has been altered to conform to that prevailing in other infobases (white background, red foreground).

The Other References infobase has been set up to include a more expressive first screen title (see above) and to offer a "point and click" entry path for the user who comes to it directly rather than through the treatise.

The sole revision I've made to the Search Tips materials in the cases infobase deals with the portion that says (as was true of the prior version of the infobase) that district court decisions have not been put in groups that carry the court name.

INFOBASE BY INFOBASE REVIEW

I. Regulations

The Subpart Level Records Not Consistent.

The majority of them begin with the text "Part 404" or whatever the part number with that followed by a space and then "Subpart X-...". Here, for example, is Part 404 Subpart F's record:

Part 404 Subpart F Overpayments, Underpayments, Waiver of Adjustment or Recovery of Overpayments, and Liability of a Certifying Officer

Here by contrast is the equivalent record for the prior subpart:

Subpart E Deductions; Reductions; and Nonpayments of Benefits

Fortunately, this is an easy manual correction. Choosing TOC from the top of the Regulations infobase will reveal the records missing the "Part 4xx" text. I count 13 records with the problem in Part 416, only 3 in Part 404, none in Part 401.

The Subsubpart Level Records Not Consistent.

The subsubpart is an unnumbered heading that is followed by a number of consecutive sections. An example is the heading "Parent's Benefits" which precedes the section level record "§ 404.370 Who is entitled to parent's benefits." Erroneously, a fair number of these headings have had the section number of the following section added to their text (added and linked). One of many is "20 CFR § 404.730 Evidence for Child's and Parent's Benefits" which should read simply "Evidence for Child's and Parent's Benefits"

Like the prior problem this permits a simply manual fix. (Delete the "20 CFR § 40x.xxx " from the beginning of any Subsubpart level records in which it appears.) There are roughly 20 records with the problem.

Appendix 1 and Appendix 2 to Subpart P

The text at the Subsubpart level for Appendix 2 should be parallel to that for Appendix 1. Currently it reads:

Guideline 200.00 Appendix 2 to Subpart PMedical-Vocational Guidelines

It should read simply:

Appendix 2 to Subpart PMedical-Vocational Guidelines

Missing Tables

Your cover memo notes that the graphic objects were left out. I presume that will be fixed.

Faulty Backtracking

Presumably as a consequence of the intra-infobase links in the Regulations opening two instances of the infobase (point 1 on your memo) the backtracking is screwed up.

Cross Reference (Intra-Infobase) Links

I noticed one type of mislinking. There are a number of sections that end in a letter rather than a number. For example, there is both a 404.510 and a 404.510a. The reference to 404.510a in 404.512(a) is linked erroneously to 404.510. And since there is no 404.999 but only 404.999a, 404.999b, and 404.999c the cross references to 404.999b (in 404.999a and 404.999c) do not link. There must be a limiting assumption in the linking process that misses or miss links these cases. I assume without checking that that is true of other cross references to sections ending in a or b or c.

II. Act

Missed Cross Reference Links

A fairly common crossing referencing pattern in the Act is represented by this one from 416(i)(1) (1) "Except for purposes of sections 202(d), 202(e), 202(f), 223, and 225 [42 USCS 402(d), (e), (f), 423, 425]". Of the listed sections only the first is linked; presumably the pattern matcher is looking for USCS.

More troubling is the lack of a link in the following reference in the same paragraph "The provisions of paragraphs (2)(A), (2)(B), (3), (4), (5), and (6) of section 223(d) [42 USCS 423(d)(A), (B), (3)-(6)]". A reference in 402(d) " [42 USCS 422(c)(4)(A)]" is similarly not linked. I've not done a full check but I'm wondering whether cross references to the 420 sections beyond the initial (a) or (b) are all missed.

I found some failures involving section 415 and discovered that none of the subsections other than (a) have jump destinations.

SSI Portions of the Act

You indicated a desire to removing some Medicaid provisions from the act to which I agreed. Please be sure to leave in the SSI provisions which start at 1381.

The SSI provisions of the Act (1381 and following) seem not to have their cross references linked. They include numerous references to Title II. See, for example, 1382c(a).

III. Cases

Cross Reference Linking

The cross reference linking to the Act seems missing. Is that because the Judges are referencing the GPO version of the code U.S.C. rather than USCS? Indeed, the cross reference linking out of the cases seems spotty. For example I followed a straight path to the following case which has a number of cross references.

Wallace v. Secretary of Health & Human Services, 722 F.2d 1150 (3d Cir. 1983)

"Applying the medical-vocational grids to Wallace, the ALJ concluded that 20 C.F.R. 404.1569 and Rule 201.15, Table No. 1 of Appendix 2, Subpart P directed that she be found "not disabled."

II

"An ALJ's findings of fact are conclusive when supported by "substantial evidence," (FootNote 2) Richardson v. Perales, 402 U.S. 389, 28 L. Ed. 2d 842, 91 S. Ct. 1420 (1971); Van Horn v. Schweiker, 717 F.2d 871, 873 (3d Cir. 1983). Nevertheless, this Court has developed certain rules to scrutinize the evidentiary basis for administrative findings..."

Neither of the decisions are linked although both are in the infobase. Appendix 2 of Subpart P and 404.1569 are also not linked.

Another case containing many cases cross references that are not linked is Huston v. Bowen, 838 F.2d 1125 (10th Cir. 1988).

Erroneous Assignments to 2d cir. and 4th cir. groups

The search [Field Citation:dist | supp][Group 2d cir.:] gets 108 hits and the search [Field Citation:dist | supp][Group 4th cir.:] gets 1 hit. All of these are district court decisions erroneously given circuit court group names. Those assigned to the Second Circuit seem to be from the District Court for the District of Columbia; the one assigned to the Fourth Circuit is a district court decision from the fourth division of a California district.

In addition to these faulty assignments of cite level records, there are over one thousand normal level records of district court decisions assigned to the 2d cir. group even though the cite level record for the decision is properly grouped!

Erroneous Decisions

Pine v. Bunnell, 1992 U.S. LEXIS 64 (1992), the second Supreme Court decision on the disk, has no business there. Indeed, there appear to be a fair number of "exclude" cases in the

infobase. Because of its visibility, I would urge that Pine be removed but that the others be left on at this point.

Topic Groups

There are nearly 200 decisions without topic groups. At this late point, I would ask only that the first case in the infobase be grouped as follows:

Shalala v. Schaefer, 1993 U.S. LEXIS 4399 (1993)

<GR:"all attorney"><GR:"t 200"><GR:"t 600"><GR:"all general"><GR:"d 400"><GR:"d 800">

LEXIS Matter Left In

The following LEXIS matter appears in Shalala v. Schaefer, 1993 U.S. LEXIS 4399 (1993). I suggest it be removed since the LEXIS pagination is not included in the infobase.

The LEXIS pagination of this document is subject to change pending release of the final published version. ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.\$89: To view the full text of this opinion, type "lxe" and press the TRANSMIT or the ENTER key. To return to this listing after viewing the full text, type "resume lexis" and press the TRANSMIT or ENTER key.

The first sentence alone appears in two other Supreme Court decisions:

Melkonyan v. Sullivan, 1991 U.S. LEXIS 3322 (1991) and Sullivan v. Finkelstein, 496 U.S. 617 (1990)

Wrong Year

The last case in the infobase has a wrong year (1933 rather than 1963) and is accordingly in the wrong place.

Missing Case

Renshaw v. Heckler, 787 F.2d 50 (2d Cir. 1986), explicitly referenced in H 110, is still missing from the cases infobase.

Anomalous Initial Character in Cite Level Record

The initial character should be removed from the following records:

%Carlson v. Shalala, 999 F.2d 180 (7th Cir. 1993)

#Starr v. Sullivan, 981 F.2d 1006 (8th Cir. 1992)

IV. Rulings

Cross References to Rulings

In the sequence SSR 83-33, 83-34 and 83-35 only the first of the cross references is linked. This appears to be the same problem with ruling numbers ending in a letter that is observed above in connection with the regulations. For example, references to SSR 74-12c are not linked, same with SSR 73-58c, SSR 71-53c, SSR 83-37c, SSR 84-2c and so on.

Ruling Number Record not grouped with following records

The ruling number record of SSR No. 91-7c, Sullivan v. Zebley is not in the group "ssr no. 91-7c" along with the following records. I didn't encounter the problem with any other rulings cited in the treatise.

Topic Groupings

The large groupings should be conformed to those in the cases infobase.

ssdis should be renamed: all disability
ssfam should be renamed: all family
ssgen should be renamed: all general
ssatt should be renamed: all attorney

The following rulings have no topic group assignments and should:

AR No. 93-5(11) should be grouped: all attorney and u 200
AR No. 93-4(2) should be grouped: all attorney and u 200
AR No. 93-3(6) should be grouped: all attorney and u 200
SSR No. 93-2p should be grouped: all disability and p 100
AR No. 93-1(4) should be grouped: all disability and p 400 and p 720
SSR No. 93-1 should be grouped: all disability and q 300
AR No. 92-7(9) should be grouped: all general and e 500 and e 910
AR No. 92-5(9) should be grouped: all general and b 520
AR No. 92-4(11) should be grouped: all general and d 000 and e 950
AR No. 92-3(4) should be grouped: all disability and p 400 and p 720
AR No. 92-2(6) should be grouped: all disability and n 810
AR No. 92-1(3) should be grouped: all general and b 620
SSR No. 91-7c should be grouped: all disability and n 200 and p 400
AR No. 91-1(5) should be grouped: all general and e 300
SSR No. 91-1c should be grouped: all general and b 310
AR No. 90-4(4) should be grouped: all general and e 910
AR No. 90-3(4) should be grouped: all disability and p 500 and p 920
SSR No. 90-3c should be grouped: all attorney and u 300
SSR No. 89-12 should be grouped: all general and a 900
SSR No. 89-11c should be grouped: all family and h 100
AR No. 88-5(1) should be grouped: all general and e 920
AR No. 87-5(3) should be grouped: all disability and p 500
AR No. 86-25(9) should be grouped: all general and f 400
AR No. 86-19(11) should be grouped: all family and h 200 and h 300
AR No. 86-18(5) should be grouped: all family and h 200 and h 300
AR No. 86-2(2) should be grouped: all family and h 200 and h 300
SSR No. 76-31c should be grouped: all general and a 310
SSR No. 74-8c should be grouped: all disability and n 700 and q 100
SSI Rulings to be excluded from future disks:
AR No. 88-7(5)
AR No. 88-6(8)
AR No. 87-3(9)
AR No. 86-1(9)

Outline of My Update Process (9/7/1994)

Simply sending you all or a fragment of my case database

would I think tell you very little about how I work with it

and other tools. Furthermore, it has the risk of tying us to past methods at the time we should be creating a durable maintenance process. Therefore, I have tried to create a brief process document which I hope will assist our exploration of future options.

OUTLINE OF PWM'S UPDATE PROCESS WITH SOME IDEAS ABOUT THE FUTURE

I. IDENTIFYING POTENTIAL NEW DOCUMENTS (PROGRAMMATIC)

My process begins with a series of Eclipse searches that run weekly on LEXIS. I have searches designed to catch new Social Security decisions, new rulings, and new regulations.

But this discussion will focus on the decisions.

For each level of the Federal court system (Supreme Court, U.S. Courts of Appeals, and District Courts) I have three searches. They are designed, cumulatively, to net all decisions that fall within the scope of my treatise and current case collection in Social Security Plus. They are mutually exclusive. Search 1 is framed narrowly. Search 2 reaches more broadly in a couple of directions but excludes all cases that would be retrieved by Search 1, and Search 3 casts the widest net but excludes all cases that would be retrieved by 1 or 2.

II. SELECTING CASES FOR INCLUSION ON THE DISK (EDITORIAL SELECTION)

When I review the results of the Eclipse searches, I do so

directly in LEXIS. Those that, upon swift review, appear to fall within the scope of this work I tag for a download to disk in DOC# format at the end of the session. Since my searches are set up so as to err on the side of overinclusion, there are many of my Eclipse hits that I reject for the disk. A common example would a civil rights decision that includes a paragraph or two discussing some Social Security decisions or some sort of employment action by an employee of the Social Security Administration.

The DOC# format downloads I then run through a stream editor (fsr) which strips and formats the material for addition to my Notebook II database of current decisions (1993-94).

Here is a sample record in that format

%start:

%1:2656-1237/001/0000008/00156659/A92EB7620A280017

%2:1293/19940000/13F2/0000

%3:JOHNNIE DOTSON, Plaintiff, v. DONNA E. SHALALA,
SECRETARY OF HEALTH AND HUMAN SERVICES, Defendant.,
DOTSON v. SHALALA

%4:92 Civ. 9052 (JFK)

%5:UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF NEW YORK

%6:

%7:1994 U.S. Dist. LEXIS 5106

%8:

%9:April 21, 1994, Decided, April 21, 1994, Filed

%10:May 1 ask

[Field 6 holds the West print citation, if any, and Field 8 any other parallel cites included in the LEXIS DOC# report]

III. DEALING WITH MULTIPLE ECLIPSE REPORTS OF THE SAME CASE

(CURRENTLY EDITORIAL WITH DATABASE ASSIST, IDEALLY SHOULD BECOME PROGRAMMATIC)

Once I add the district court decisions to my district court database and my court of appeals decisions to the court of appeals database, etc., I check for and deal with new records of decisions already in my database.

The reason there are Eclipse search results that duplicate earlier ones is that the addition of new data to an existing LEXIS document is treated by Eclipse as a new document. Consequently, when a decision is loaded into LEXIS from a slip opinion secured from the court and given (as all decisions now are) a LEXIS cite and there later appears a West print version in F. Supp. or F.3d which leads to a new citation and internal page numbers and perhaps some textual revision as well the case shows up at least twice in the Eclipse stream.

When I discover a new record that duplicates an existing one in my database I (manually) combine them adding the new data elements to the old

record and deleting the redundant record.

The last field in my database holds the status of the document via a vis CBC. So in the example above you will see %10:May 1 ask which indicates that the decision was on the list I sent you then. As I have been carrying out this process, I have not reported to you when an Eclipse search brings new data on a case that was listed on a prior ask list. So if the above decision later acquires an F. Supp. cite, I will add it to my database but rely on your autocite process to catch that information for the cite line record and grouping. As we have operated up to now, I have submitted decision ask lists and later given you topic groupings for decisions. As we settle on our maintenance routine we may want to change that and for that reason I haven't given you my current updates but can, anytime.

III. ADDING TOPIC GROUP CODES TO NEW DECISIONS

(EDITORIAL WITH ASSISTANCE OF FOLIO VIEWS AND WINDOWS MACROS)

My current method for applying appropriate topic tags to the cases includes the following steps.

(As noted above this can continue to

generate a second later stream of topic information to be merged with the full text documents received from MDC or could be sent as part of the "ask list" communication.)

Step 1. Download the new (non-redundant) decisions in full text from LEXIS.

Step 2. Load them into an infobase using the Views LEXIS/NEXIS filter.

Step 3. Add a record to the infobase that contains all the topic groups.

Step 4. Review all the decisions, using Windows macros to add the appropriate topic codes to the top record in the infobase.

Step 5. When all decisions are coded, save the top case records as a flat file.

Step 6. Manipulate the flat file with a stream editor (fsr) to the format it can be communicated to CBC.

COMMENT: This process as described relies on CBC's database to combine the original "ask" record with the record holding the topic codes. And since the full text downloads from LEXIS do not include the database information yielded by the earlier DOC# downloads, the topic code data must be linked to the other case data using the LEXIS cite and not an MDC document number.

IDEAS FOR THE FUTURE: I imagine that I can
replace Notebook II with Paradox and begin working
directly from Scot's data.

Peter

Memorandum to Don Zinter 9/14/1994 (CBC)

From: Peter Martin (MARTIN)

To: out:"{Donald_Zinter_at_CBC©ROC@mail.tpp.com}":XX,...

Date: Wednesday, September 14, 1994 1:41 pm

Subject: Further Reflections on Maintenance

I thought we were going to talk earlier this week but am continuing to plow on.
I am getting acquainted with Paradox and Scott's DB.

I have also been working on the new cases.

Here are two versions of a sample record and some questions about them. (I have
added carriage returns to enhance legibility.)

[LONG VERSION]

"<GR:"all general"><GR:"d 000"><GR:"f 100">",

"LOVE DUMAGUIN, ASSISTED BY HER LEGAL GUARDIAN, LOLITA J. RIVERA,
APPELLANT v.

SECRETARY OF HEALTH AND HUMAN SERVICES, APPELLEE",

"DUMAGUIN v. SECRETARY OF HHS",

"No. 93-5032",

"UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT",

"" ,

"A9416776",

"" ,

"May 9, 1994, Argued July 8, 1994, Decided"

[The two empty fields are for West print citation, e.g., XX F.3d YYY, and other parallel cites, e.g. CCH, as displayed in the LEXIS document at the time I do my topic classification.]

[SHORT VERSION]

"<GR:"all general"><GR:"d 000"><GR:"f 100">","A9416776"

POINT 1

I would find it quite easy to set myself up to send you data on new cases (as distinguished from new data on old cases) in a delimited ASCII like this. I presume it passes comfortably by e©mail.

POINT 2

In building the retrospective collection I/we were unable to rely on the LEXIS cite as the unique identifier for an MDC ask because decisions prior to 1987 did have LEXIS cites. My entire cycle of pulling down a DOC# format record from MDC is designed to obtain their db number. I hope that now that we are maintaining I can drop that effort. Note that the above record (both versions) lacks the two fields of MDC database information that my original case lists included.

POINT 3

I would like a simple explanation of how the various fields in Scott's database relate to full text representation. As I reverse engineer what I find in the database, it seems that a full LEXIS cite as it appears in LEXIS or on the CD becomes A9416776. When I submit a case list to you for MDC ask and inclusion in Scott's database do you want the data elements in their "native" form or as encoded? I have created an fsr that can do the LEXIS cite conversion.

POINT 4

Is the short version all you need from me (with the LEXIS cite in either native or encoded form) or do you want/do you need additional data elements even though they will be in the full text document and AUTOCITE?

All my questions for now.

Peter W. Martin, Jane M.G. Foster Professor of Law

Legal Information Institute

Cornell Law School | e-mail: MARTIN@LAW.MAIL.CORNELL.EDU

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Ithaca, NY 14853 | fax : 607/255-7193

Letter to Sue Rinebold 1/19/1995 (CBC)

Cornell Law School

Legal Information Institute

Peter W. Martin

Jane M.G. Foster Professor of Law

January 19, 1995

Ms. Sue Rinebold
Clark, Boardman, Callaghan
50 Broad Street East
Rochester, NY 14694

Dear Sue:

From Mick Cole's reply, I judge that my e-mail messages are getting in and that yours can reach me. This letter follows up on our phone conversation of December 14 and subsequent messages.

As I've noted, within reasonable limits I'll be happier the more I'm kept informed on (and consulted with about) the marketing of Social Security Plus. We've never talked about what to do about the Infobase 94 award but I have, having requested them, both logos representing the award and photos of the presentation. I am enclosing the former for your use and have the latter on file should you want them. We've never talked about biographical material for your people (i.e., who is Martin of Martin on Social Security and what claim does he have to expertise in the field) -- a sore point, as you know because of my e-mail exchange with Barry Bayer prior to his very favorable review of SS Plus. Needless to say, I can furnish a paragraph or two on that subject. At a more substantive level, I remain ignorant and curious about what plans you have for placing the product in law school clinical programs and in high profile places like NOSSCR, the Senior Citizens Law Center, and Clearinghouse Review. As you know, I have a fair number

of "free subscriptions." I would like to coordinate my use of them with any strategic placements you have in mind.

Future enhancements to the work remain a troubling issue. I've built the work and have, under our contract, an obligation to do updates. The addition of new material that gives SS Plus greater depth in the areas it covers is something we have had little trouble with. All I want with such items is a month's lead-time with any new material so that I can connect it into the treatise. The tension has to do with adding coverage of additional law topics -- SSI income and resources, Medicare, Medicaid, and other "Elder Law" issues.

Our agreement deals with the work as submitted and released, plus updates. Our shared interest in the success of the product leads us both to want to respond to content requirements of the agency itself and competition from West. On the other hand, we must resist the temptation to chase after every sale that gets away on the asserted ground that the disk lacked some topic.

My position on the additions under consideration right now, I would describe as "open minded" with firm adherence to a number of principles. They include the following:

First, adding any new scope to the work, whether it be FICA, SSI income and resources, Medicaid, or Medicare, requires our mutual agreement.

Second, no topic should be added until it can be included in and linked to the treatise with the same thoroughness as those topics already covered by Martin on Social Security. This includes selection and coding of a full collection of cases and rulings in addition to the preparation of appropriate treatise text and links.

Third, because of the prior principle no topic should be added until CBC has acquired and furnished me on CD-ROM with a full working collection of the cases, rulings, statutes, and regulations dealing with the topic well in advance so that I can do the necessary coding, text writing, and linking. (While I reserve full control over these matters of authorship, as CBC staff become able to assist in case selection and coding my time requirements are reduced.)

Fourth, at some point measured both in terms of scale of effort and degree of connection to the original work, we should shift from thinking about enhancements to this product to conceiving of another one -- ideally, one comparable in quality and approach. At the moment, that is how I see the medical benefit programs. The medical programs are administered by a different agency, they concern a totally different set of actors (the health care providers and insurance industry), and they are enormously complex. An information product of the quality of SS Plus that covered Medicare and Medicaid in all their aspects would, I am convinced, do very well. Cutting off a coherent chunk for inclusion on SS Plus would be immensely difficult.

Being open-minded on these matters I will do the work to assist in gathering relevant primary material on additional topics -- initially, on the non-disability aspects of SSI. Today, I sent case lists to Mick. If we are able to build a smooth process for adding that material, one meeting the concerns I've expressed above, I'll be less resistant to further add-ons. In December you wanted to have me say that I agreed to these additions. I am prepared to explore them with you actively but decline, at this stage of our exploration, to "commit" to anything beyond my contractual update responsibilities.

Sincerely,

Memorandum to Glen Ferguson et al 3/28/1995 (CBC)

Memorandum

To: Glen Ferguson, Sue Rinebold, Mick Cole, Guy Light

From: Peter Martin

Subject: SSI Plus March Update

Date: March 28, 1995

Having completed only our second true update cycle, I thought it would be useful to document how it went from my standpoint. I would be very pleased to hear about your side of the process as well.

CASES and RULINGS

1. Because the cases and rulings not updated in December, there was an unusually large block to code against the treatise. I submitted the list for a disk that will be released the last week in March in . (I wonder whether that is as tight a cycle as we can hope for?)
2. I was pleased that the revised cases infobase built off that list included new cite level records and group names for those decisions (both Court of Appeals and District Court) that had acquired F.3d or F. Supp cites, presumably using the Autocite update we discussed during the last update. Let me note that this puts a work element on me, not one I object to. I add important Court of Appeals decisions to my key cases links when they are fresh and have only LEXIS cites. That means I use the LEXIS cite group name for those links. When the LEXIS cite is replaced by an F.3d cite the link won't work. THEREFORE, my update cycle needs to include: 1) a search of the treatise flat file for all links based on LEXIS cites, 2) a search of the prior disk to determine what cases those links retrieved, and 3) a determination of the new cites for those cases from the new disk. As I've mentioned to Guy, if adding the new F.3d and F. Supp. cite level records and group names did not remove the prior LEXIS cite group names there would be two advantages: 1) I wouldn't have to revise these links (because the old group names would pull up the case despite its revised cite level record) and 2) any case-to-case references that used the LEXIS cites (of which there are only a few) could be linked.

3. After fixing all key case links, my next step is to add new ones, with occasional revisions of treatise text to reflect the important new decisions on the disk. As I am coding the decisions, I copy portions of those that warrant this treatment with notes of the affected treatise sections to a case notes file. I also review the NOSSCR newsletter and the Social Security Practice Advisory for candidates.

4. The new rulings are appearing in the LEXIS Federal Register database. I believe the difficulty in obtaining the full set of missing ones, Guy reported is attributable to that fact. As he observed, those that come from that source are not in the same format as those that come from the LEXIS SSRULE file. I am comfortable with the current level of difference and count it much more important to be complete than to have uniform format.

CFR and ACT

1. We need better implementation of our joint understanding of the interdependency of the treatise infobase and the rest. Since the treatise links to cases, rulings, act, cfr, dot, and its companion "other" infobase changes in those infobases that may affect links should not be undertaken without discussion and notice. In this cycle, the act infobase was restructured, initially in a way that caused most of the treatise links to fail, and the cfr, hallex, and other infobases were given new names (with the same consequence). I almost failed to catch the latter. I understand the reason all the changes were made. But there were, I think, some other, perhaps better, ways to accomplish the same ends. We need a system that gets these issues out on the table earlier.

2. That said, I suggest the following for what I'll call the cross product infobase name problem. The reason so many of the infobases were given new names was to prevent software confusion over infobases in different CBC products having the same name (which is held in the lname.ini file). The solution implemented this round was to slap the phrase "Social Security" in front of previous infobase names. While that works quite acceptably with the Act (it is the "Social Security Act"), the rulings, and cases and can be adapted to the regulations ("Social Security Regulation"), the title bar that calls the department of labor's dot the "Social Security ..." or adds that phrase to Hallex seems clumsy. For a generic solution, I would urge the inclusion of a short product specific signature at the beginning of all infobase names that comprise it -- for example, all Social Security Plus, infobase titles could be prefaced "SS+" or "SS Plus:". This would allow all infobases to use their native titles but assure unique names.

3. The Act was nicely rebuilt and rebuilt to include the two 1994 amendments. Because of those changes I had to identify all links from the treatise to the formerly separate Independence Act and assure myself that the links from the treatise to the act were in a format that would function with the revised Act infobase structure.

4. The Regulations infobase was updated to include some very recent amendments. I checked on that and was able to make links to some of the new provisions.

5. In future, I would be assisted by having a list of new material added to the Act and Regulations infobases at or before the time I receive the disk for treatise updating (since the updating of those infobases is being handled entirely on your side).

TREATISE AND OTHER INFOBASES

1. The "other references" infobase (conceptually though not physically part of the treatise) includes a couple of law journal articles published since the last update. My revision cycle includes a review of several sources for new journal articles and ALR annotations.

2. The in addition to revisions of the treatise to reflect the most recent ruling and several court of appeals decisions, this revision cycle included revisions of the sections referring to the Independence Act to reflect the fact that the agency's independence is now reality. Finally, the new practice guides are linked to from appropriate sections in volume two. As with the prior update, all treatise sections with revised text (but not those with just revised key case links) have a revision date, in this instance 3/95, in a revision date field.

3. The substitution of the text tables for images in the Medical Vocational guidelines in the Appendix to Subpart P of the regulations allowed me to add my two practice guides to the treatise; I placed them in a nominal "volume 3" which I had in mind for this purpose. I have several more guides in mind, but view this very much a first cut at the art form. Your reactions please.